

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
October 19, 2007

The Domestic Relations Committee met at the Indiana Judicial Center in Indianapolis, Indiana on Friday, October 19, 2007 from 10:30 a.m. - 2:30 p.m.

1. Members present. Craig J. Bobay, David C. Chapleau, Mary Margaret Lloyd, Karen M. Love, Nanette K. Raduenz, Frederick A. Schurger, David A. Shaheed, Debbie J. Shook and William C. Fee, Chair, were present.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. Wendy Yerkes, Deputy Director, Child Support Bureau, Department of Child Services; Darlene Cunningham and Amber Njau, Business Analysts, and Vivek Jain, Project Manager, Deloitte Consulting for Child Support Bureau; Michael McAlexander, Chief Deputy Prosecuting Attorney, Allen County, and Bob Monday, Indiana State Coordinator, Children's Rights Council, was also present.
3. Minutes approved. The minutes of the July 20, 2007 meeting were approved.
4. Child Support Guidelines.
 - a. Jeffrey Bercovitz distributed 42 U.S.C. § 667 and 45 C.F.R. § 302.56, the federal statute and rule respectively concerning the federal requirement of a review of Indiana's child support guidelines every four (4) years. He reported the committee's review last time included gathering suggestions for improvements from judges, attorneys and members of the public, review of economic basis of the guidelines, conduct of a public hearing, a work-study session for the committee to prepare revisions to the guideline, and circulation of a proposed draft for comment.
 - b. Wendy Yerkes, Deputy Director, Indiana Child Support Bureau, distributed the Bureau's recommendations for the child support guideline review including: (1) whether Indiana's child support guideline awards are high at the low income levels, (2) the impact of Lambert on child support award amounts on incarcerated obligors, (3) multiple child support awards for multiple children and (4) development of a definition of medical support that is "reasonable" in cost.
 - c. Michael McAlexander, Chief Deputy Prosecuting Attorney, Allen County, recommended the following areas for child support guideline review: (1) impact of the Lambert case, (2) multiple child support orders for the same noncustodial parent, (3) impact of Grant v. Hager case, (3) the need for more flexibility at the low end of child support awards to deal with families who were never married and had no commitment.
 - d. Jeffrey Bercovitz distributed information from Dr. Jane Venohr, an economist from Center for Policy Research in Denver, Colorado. Judge Chapleau reported on a meeting with him, Judge Fee, and Dr. David Betson, and economist from Notre Dame University. Judge Love moved to hire Jane Venohr as the committee's economist to review Indiana's child support guidelines. Judge Lloyd seconded the motion. The motion was passed.

Committee members agreed to have Dr. Venohr review, comment and report on the following issues: (1) Whether Indiana's child support guideline amounts are high at the low income level, (2) comparison of Indiana's guidelines to those of other states and comparison of the

economic costs of raising children to the latest theories and data; (3) development of a definition of reasonable medical support cost, (4) administration of the child support obligation when the obligor is incarcerated (Lambert v. Lambert), (5) more explanation and possible simplification of the parenting time credit (Grant v. Hager), (6) multiple child support orders for the same noncustodial parent, (7) work related child care expense cap when the parents have limited income, and (8) whether Indiana's child support awards should "flatten out" at the higher income levels. Committee members also agreed to survey courts to review deviations from child support awards.

e. Members of the committee discussed the sharing of information required in family courts to assist with the issue of multiple support orders, whether or not paternity cases should be open, an evaluation of child support orders on an annual basis, and a concern that prosecutors administratively make arrearage orders so large so as to prevent compliance.

6. Guideline topics.

Committee members agreed to review the following, and draft revised language for the guidelines:

- a. Administration of the child support obligation when the obligor is incarcerated (Lambert v. Lambert), Judge Shaheed; and applications of this reasoning beyond prison cases, Mag. Bobay;
 - b. More explanation of the parenting time credit for *pro se* litigants and possible simplification of the parenting time credit (Grant v. Hager), Judge Fee;
 - c. Whether Indiana's child support guideline amounts are high at the low income level;
 - d. Comparison of Indiana's guidelines to those of other states and comparison of the economic costs of raising children to the latest theories and data;
 - e. Development of a definition of reasonable medical support cost, Judge Schurger;
 - f. Review of handling of Social Security Disability, Retirement and Income in the guidelines, Judge Chapleau and Comm. Shook;
 - g. Multiple child support orders for the same noncustodial parent, Mag. Raduenz;
 - h. Work related child care expense cap when the parents have limited income, Comm. Shook; and
 - i. Whether Indiana's child support awards should "flatten out" at the higher income levels.
- Committee members agreed to review the incarcerated obligor and parenting time credit issues at the next meeting, and assign the unassigned topics after the presentation by Dr. Jane Venohr.
- j. Committee members agreed to invite a representative from the ISBA, Family Law Section to the next meeting.

7. Interim Committee.

- a. Wendy Yerkes reported she met with the Legislature's Child Custody and Support Advisory Committee. She reported presentation of a "White Paper," which proposed incorporating more administrative practices into Indiana's child support system. She distributed the paper via CD to members of the committee.
- b. Jeffrey Bercovitz indicated the Advisory Committee would meet again on October 25 and November 1 and prepare report of its recommendations.

8. Recognition for Judge Scopelitis. Committee members discussed some recognition by the Judicial Center and/or committee for the hard work of Judge Scopelitis on the recently completed Domestic Relations Benchbook. Jeffrey Bercovitz agreed to explore this with Jane Seigel.

9. Next meeting dates. Members of the committee agreed to invite Jane Venohr to meet with the committee at their February 15 meeting, and again during their August meeting. They agreed to hold a two (2) day work study session on Thursday, August 14 and Friday, August 15, 2008 to prepare a draft of guideline revisions. They agreed to hold a public meeting to receive comments on Tuesday, Sept. 9, 2008 in the morning and an early-bird session to get comments the next morning. They agreed to meet on the following meeting dates: Thurs. and Friday, November 15-16, 2007, the Domestic Relations Workshop at the Marriott North - Indianapolis; and Friday, January 18, 2008, February 15, 2008, March 21, 2008, May 16, 2008, July 18, 2008, August 14-15, 2008, October 17, 2008 and November 21, 2008 all from 10:30 a.m. - 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law